

1 MELANIE A. HILL
2 Nevada Bar No. 8796
3 **MELANIE HILL LAW PLLC**
4 1925 Village Center Circle, Suite 150
5 Las Vegas, Nevada 89134
6 Tel: (702) 362-8500
Fax: (702) 362-8505
Melanie@MelanieHillLaw.com
Attorneys for Plaintiffs

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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 ERNESTO MANUEL GONZALEZ, et. al.,

CASE NO.: 2:22-cv-00328-JCM-EJY

11 Plaintiffs,

12 vs.

13 **STIPULATION TO EXTEND DEADLINE**
TO RESPOND TO USA AND KARPEL'S
MOTIONS TO DISMISS [ECF NOS. 13
AND 14]

14 Defendants.

15 **(THIRD REQUEST)**

16

17

18 NOW COMES the Plaintiffs, ERNESTO MANUEL GONZALEZ (“GONZALEZ”), JAMES
19 PATRICK GILLESPIE (“GILLESPIE”), CESAR VAQUERA MORALES (“MORALES”), DIEGO
20 CHAVEZ GARCIA (“GARCIA”), and BRADLEY CAMPOS (“CAMPOS”) (collectively referred
21 to herein as “Plaintiffs”), by and through their attorneys, Melanie A. Hill and Melanie Hill Law
22 PLLC, and Defendants, UNITED STATES OF AMERICA and DAVID N. KARPEL, by and through
23 their attorney, Glenn Greene, who hereby stipulate that the deadlines for Plaintiffs to respond to
24 Defendant USA and Karpel’s Motions to Dismiss [ECF Nos. 13 and 14] and Defendant USA and
25 Karpel’s deadlines to reply be extended pursuant to Local Rule IA 6-1.

26 This is the third request for an extension of the deadlines. The first request was by stipulation
27 to extend the deadlines to allow the USA and Karpel’s deadlines to be aligned. The second request

1 was by stipulation to extend the deadlines to allow Plaintiffs to file a motion to be added to the
2 Protective Order in the underlying criminal case. In support of this Stipulation and Request, the
3 parties state as follows:

4 1. Defendant USA and Karpel filed their Motions to Dismiss on September 12, 2022
5 [ECF Nos. 13 and 14].

6 2. Pursuant to the Order granting the second stipulation, Plaintiffs deadline to respond
7 to the Motions to Dismiss is December 13, 2022.

8 3. Prior to filing the second stipulation request, counsel for the parties conferred to
9 attempt to resolve counsel for Plaintiffs' request to be added to the Protective Order in place in the
10 underlying criminal case so that Plaintiffs may share the criminal discovery with undersigned counsel.
11 The discovery is necessary to further plead the complaint in this case in response to arguments made
12 in the currently pending motions.

13 4. Counsel for Plaintiffs also conferred with the local U.S. Attorneys' office regarding
14 the same. Counsel determined that a motion would be necessary to allow counsel for Plaintiffs to be
15 added to the Protective Order in the underlying criminal case so that discovery may be reviewed by
16 counsel for Plaintiffs and used to further plead the complaint in this case. It is also undersigned
17 counsel's understanding that the United States has no objection to Plaintiff's counsel being added to
18 the protective order upon further motion and order of the court.

19 5. On November 18, 2022, Plaintiffs' counsel filed a Motion to Be Added to the
20 Protective Order [ECF No. 17] in this case. The Motion was denied by Magistrate Judge Youchah
21 without prejudice by Minute Order on November 21, 2022 [ECF No. 20] directing Plaintiff's counsel
22 to file the motion in the underlying criminal case.

23 6. To allow time for Plaintiffs' counsel to file the motion in the criminal case, to allow
24 the Court time to rule on the motion, and to allow Plaintiffs' counsel to review the underlying criminal
25 discovery for purposes of prosecuting this civil case and further responding to the pending Motions
26 to Dismiss and/or filing an Amended Complaint, the parties have stipulated to extend Plaintiffs'
27 response deadline to the Motions to Dismiss to January 25, 2023. The parties have further stipulated
28

1 to allow Defendants UNITED STATES OF AMERICA and DAVID N. KARPEL until March 1,
2 2023 to file its response to Plaintiffs' filing.

3 7. This Request for an extension of time is not sought for any improper purpose or
4 other purpose of delay. Rather, it is sought by the parties solely to allow sufficient time for Plaintiffs'
5 counsel to file the motion in the criminal case, to allow the Court time to rule on the motion, and to
6 allow Plaintiffs' counsel to review the underlying criminal discovery for purposes of prosecuting this
7 civil case and further responding to the pending Motions to Dismiss and/or filing an Amended
8 Complaint.

9 WHEREFORE, the parties respectfully request that the Court extend the deadlines as stipulated
10 to herein.

11 DATED this 6th day of December, 2022.

12 BRIAN M. BOYNTON
13 Principal Deputy Assistant Attorney General
14 Civil Division

15 C. SALVATORE D'ALESSIO, JR.
16 Director
17 Torts Branch, Civil Division

18 ANDREA W. MCCARTHY
19 Acting Assistant Director
20 Torts Branch, Civil Division

21 _____
22 /s/*Glenn S. Greene*
23 GLENN S. GREENE
24 Senior Trial Attorney
25 Torts Branch, Civil Division
26 Constitutional and Specialized Tort Litigation
27 P.O. Box 7146, Ben Franklin Station
28 Washington, D.C. 20044
29 Telephone: (202) 616-4143
30 Fax: (202) 616-4314
31 *Glenn.Greene@usdoj.gov*
32 *Attorneys for Defendants the United States*
33 *and David Karpel*

34 DATED this 6th day of December, 2022.

35 MELANIE HILL LAW PLLC

36 _____
37 /s/*Melanie A. Hill*
38 MELANIE A. HILL
39 1925 Village Center Circle, Suite 150
40 Las Vegas, NV 89134
41 Telephone: (702) 362-8500
42 Fax: (702) 362-8505
43 *Melanie@MelanieHillLaw.com*
44 *Attorneys for Plaintiffs Ernesto Manuel*
45 *Gonzalez, James Patrick Gillespie, Cesar*
46 *Vaquera Morales, Diego Chavez Garcia, and*
47 *Bradley Campos*

48 **IT IS SO ORDERED.**

49 December 8, 2022

50 _____
51 **DATE**

52 _____
53 *James C. Mahan*
54 UNITED STATES DISTRICT JUDGE